

March 11, 1974

PRESIDENT: The Chair recognizes Senator Savage.

SENATOR SAVAGE: will Senator Marsh yield to a question.

PRESIDENT: Senator Marsh yield?

SENATOR MARSH: Certainly.

SENATOR SAVAGE: On page 1 at the bottom. Where do you arrive at the opening of the door at 32 inches, not less than 32 inches.

SENATOR MARSH: This is already. This was the decision taking into consideration the original law that was on the books of this state. These come from the rules and regulations that have promulgated through the needs the standards. Roger. I need some help here.

PRESIDENT: Stand by.

SENATOR MARSH: All right. This building standard is 36 inches. But it's necessary to have to 32 inches for wheel chairs to get through. So they are actually are 4 extra inches. But this is setting the very minimum, that it could be.

SENATOR SAVAGE: Thank you very much. We had trouble with this last year at the Teacher's Manor in Omaha, where they wanted to take a bed out the doorway, a full sized bed, and I've never seen anybody carry it out in a bed, at a fire unless they were under some...

SENATOR MARSH: Thank you.

PRESIDENT: Senator Whitney.

SENATOR WHITNEY: Mr. President, I'd like to ask a constitutional lawyer, Senator Syas the question if I might please on section 13.

PRESIDENT: Will Senator Syas yield to a question.

SENATOR WHITNEY: It says here the public building safety advisor committee shall. It says the word shall, promulgate and implement codes pursuant to sections 72-1101 to 72-019 consistent with the uniform building codes and standards set by the American Standards Association. Now it's my understanding here, Senator Syas, that this means that the public building safety advisory committee shall do something that somebody else other than persons here other than the Legislature, who elect the American Standards Association decide Legislation. Now is this constitutional in your judgement.

SENATOR SYAS: Well, of course you are just asking me my judgement. I'm no constitutional lawyer, or nothing like that. But the point is, I think the Supreme Court has ruled on that and as I understand, I don't know who the American Standards People are, I don't know if that's a government agency or a private agency. But...privately owned plumbing company, he says. And he could be right, but if the Legislature can not give their powers of making laws away, and if you give it to a group like that which you are doing in my opinion. It's just my opinion. Then if they change, then they are legislating for the Legislature that we can't give away. As long as it stays like it is, it